

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 112056-0150

First Inventor Fang Wang et al.

Title SYSTEM AND METHOD FOR FAILOVER USING VIRTUAL  
PORTS IN CLUSTERED SYSTEMS

Express Mail Label No. EV336757285US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**Mail Stop Patent Application  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 24]  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]  
5. Oath or Declaration [Total Pages 3]  
a. ☒ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,  
or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner \_\_\_\_\_

of prior application No: \_\_\_\_\_ /

Group / Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied  
under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference.  
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

(Insert C



el here)

or ☐ Correspondence address below

|                         |                        |           |                |          |                |  |
|-------------------------|------------------------|-----------|----------------|----------|----------------|--|
| Name                    | Duane H. Dreger        |           |                |          |                |  |
| PATENT TRADEMARK OFFICE |                        |           |                |          |                |  |
| Address                 | Cesari and McKenna     |           |                |          |                |  |
|                         | 88 Black Falcon Avenue |           |                |          |                |  |
| City                    | Boston                 | State     | MA             | Zip Code | 02210          |  |
| Country                 | U. S. A.               | Telephone | (617) 951-2500 | Fax      | (617) 951-3927 |  |

|                   |                 |                                   |                    |
|-------------------|-----------------|-----------------------------------|--------------------|
| Name (Print/Type) | Duane H. Dreger | Registration No. (Attorney/Agent) | 48,836             |
| Signature         |                 | Date                              | September 26, 2003 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any  
comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark  
Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop  
Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                              |   |                            |
|------------------------------|---|----------------------------|
| In Re The Application of:    | ) |                            |
| Fang Wang et al.             | ) |                            |
|                              | ) |                            |
| Serial No.: Not Yet Assigned | ) | Examiner: Not Yet Assigned |
|                              | ) |                            |
| Filed: September 26, 2003    | ) |                            |
|                              | ) | Art Unit: Not Yet Assigned |
| For: SYSTEM AND METHOD FOR   | ) |                            |
| FAILOVER USING VIRTUAL       | ) |                            |
| PORTS IN CLUSTERED SYS-      | ) |                            |
| TEMS                         | ) |                            |
|                              |   | Cesari and McKenna, LLP    |
|                              |   | 88 Black Falcon Avenue     |
|                              |   | Boston, MA 02210           |
|                              |   | September 26, 2003         |

**EXPRESS-MAIL DEPOSIT**

“Express Mail” Mailing-Label Number: EV336757285US

The following papers are being deposited with the United States Postal Service  
“Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

|  |   |
|--|---|
| <u>X</u> Patent Application ( 24 pages including 25 claims ) |   |
| <u>X</u> Power of Attorney                                   | <u>X</u> Oath or Declaration                              |
| <u>X</u> Fee Transmittal Letter                              | <u>X</u> Utility Patent Application Transmittal<br>Letter |
| <u>X</u> Assignment With Recordation Form                    | <u>X</u> Formal Drawing ( 7 sheets )                      |
| Cover Sheet  | <u>X</u> Non-Publication Request                          |
| <u>X</u> Check No. 27272 for \$964.00                        |   |

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims Small Entity Status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 964

Complete if Known

|                      |                    |
|----------------------|--------------------|
| Application Number   | Not Yet Assigned   |
| Filing Date          | September 26, 2003 |
| First Named Inventor | Fang Wang et al.   |
| Examiner Name        | Not Yet Assigned   |
| Group Art Unit       | Not Yet Assigned   |
| Attorney Docket No.  | 112056-0150        |

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account

Deposit Account Number 03-1237

Deposit Account Name Cesari and McKenna, LLP

The Commissioner is authorized to: (check all that apply)  
charge any deficiency or

☐ Charge fee indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 750      | 2001         | 375      | Utility filing fee     | 750      |
| 1002         | 330      | 2002         | 165      | Design filing fee      |          |
| 1003         | 520      | 2003         | 260      | Plant filing fee       |          |
| 1004         | 750      | 2004         | 375      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |
| SUBTOTAL (1) |          |              |          | (\$)                   | 750      |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                       |    |   |      | Extra<br>Claims |   | Fee from<br>below | Fee Paid |   |    |
|-----------------------|----|---|------|-----------------|---|-------------------|----------|---|----|
| Total Claims          | 25 | - | 20** | =               | 5 | ×                 | 18       | = | 90 |
| Independent<br>Claims | 4  | - | 3**  | =               | 1 | ×                 | 84       | = | 84 |
| Multiple Dependent    |    |   |      |                 |   |                   |          | = | 0  |

| Large Entity |          | Small Entity |          | Fee Description   | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |          |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                    |          |
| 1201         | 84       | 2201         | 42       | Independent claims in excess of 3                         |          |
| 1203         | 280      | 2203         | 140      | Multiple dependent claim, if not paid                     |          |
| 1204         | 84       | 2204         | 42       | **Reissue independent claims over original patent         |          |
| 1205         | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |          |
| SUBTOTAL (2) |          |              |          | (\$)  | 174      |

\*\*or number previously paid, if greater; For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code            | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|---------------------|----------|----------|----------|--|----------|
| 1051                | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052                | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                | 130      | 1053     | 130      | Non-English Specification  |          |
| 1812                | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804                | 920      | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                | 1,840    | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251                | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252                | 410      | 2252     | 205      | Extension for reply within second month                                    |          |
| 1253                | 930      | 2253     | 465      | Extension for reply within third month                                     |          |
| 1254                | 1,450    | 2254     | 725      | Extension for reply within fourth month                                    |          |
| 1255                | 1,970    | 2255     | 985      | Extension for reply within fifth month                                     |          |
| 1401                | 320      | 2401     | 160      | Notice of Appeal   |          |
| 1402                | 320      | 2402     | 160      | Filing a brief in support of an appeal                                     |          |
| 1403                | 280      | 2403     | 140      | Request for oral hearing   |          |
| 1451                | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452                | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453                | 1,300    | 2453     | 650      | Petition to revive - unintentional   |          |
| 1501                | 1,300    | 2501     | 650      | Utility Issue fee (or reissue)   |          |
| 1502                | 470      | 2502     | 235      | Design Issue fee   |          |
| 1503                | 630      | 2503     | 315      | Plant Issue fee  |          |
| 1460                | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807                | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806                | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021                | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) | 40       |
| 1809                | 750      | 2809     | 375      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                | 750      | 2810     | 375      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                | 750      | 2801     | 375      | Request for Continued Examination (RCE)                                    |          |
| 1802                | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify) |          |          |          |  |          |
| Other fee (specify) |          |          |          |  |          |
| SUBTOTAL (3)        |          |          |          | (\$)   | 40       |

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type) Duane H. Drager

Signature

*Duane H. Drager*

Registration No. (Attorney/Agent)

48,836

Complete (if applicable)

Telephone

(617) 951-2500

Date

September 26, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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|  |                      |   |
|--|----------------------|---|
| <b>REQUEST AND CERTIFICATION<br/>UNDER<br/>35 U.S.C. 122(b)(2)(B)(i)</b> | First Named Inventor | Fang Wang et al.  |
|  | Title                | SYSTEM AND METHOD FOR FAILOVER USING VIRTUAL PORTS IN CLUSTERED SYSTEMS |
|  | Atty Docket Number   | 112056-0150   |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 26, 2003

Date



Signature

Duane H. Dreger, Reg. No 48,836

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.